

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOE JEWISH USC FACULTY
MEMBER 2004, *et al.*,

Plaintiffs,

v.

UNIVERSITY OF SOUTHERN
CALIFORNIA, *et al.*,

Defendants.

Case No. 2:24-cv-05712-FLA (SSCx)

**ORDER GRANTING PLAINTIFFS’
EX PARTE APPLICATION TO FILE
OPPOSITION TO DEFENDANT’S
MOTION TO DISMISS [DKT. 35]**

Before the court is Plaintiffs Doe Jewish USC Faculty Member 2004 and Doe Jewish USC Student 1987’s (“Plaintiffs”) *ex parte* application (“Application”) seeking in the alternative: (1) leave to file a belated opposition to Defendant University of Southern California’s (“Defendant”) motion to dismiss and strike (Dkt. 10) (“Motion”); (2) a continuance of the hearing on the Motion (currently set for September 20, 2024); or (3) leave to file an amended complaint. Dkt. 35. Defendant opposes the Application. Dkt. 36.

In support of the Application, Plaintiffs submit the declaration of their attorney, Michael E. Reznick, who states that he “was solely responsible for filing a late opposition to Defendant’s motion to dismiss as a result of mis-calendaring the due date.” Dkt. 35 at 4. Plaintiffs argue “it is the policy of the Court to decide cases on the merit” and “to grant Defendant’s motion without opposition would give Defendant

1 an unintended and undeserved windfall at the expense of blameless Plaintiffs.” *Id.*
2 at 2. The court agrees.

3 Accordingly, the court GRANTS the Application and ORDERS as follows:

- 4 1. Plaintiffs shall file their opposition to the Motion, *see* Dkt. 35 at CM/ECF
5 Page Nos. 10–16, by September 20, 2024;
- 6 2. The deadline for any reply in support of the Motion shall be October 4,
7 2024; and
- 8 3. The hearing on the Motion is CONTINUED from September 20, 2024, to
9 October 26, 2024, at 1:30 p.m.

10 Nothing in this Order shall preclude Plaintiffs from filing a motion for leave to
11 file an amended complaint.

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13 IT IS SO ORDERED.

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15 Dated: September 18, 2024



16 FERNANDO L. AENLLE-ROCHA
17 United States District Judge
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